

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
:

UNITED STATES OF AMERICA

- v. -

NELSON DIAZ,

a/k/a "Abdul Alamin,"

Defendant.

----- x

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>7/18/22</u>

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT

: S1 20 Cr. 199 (KMW)

WHEREAS, on or about January 28, 2021, NELSON DIAZ, a/k/a "Abdul Alamin," (the "Defendant"), among others, was charged in Counts One through Seven of the Superseding Indictment, 20 Cr. 199 (KMW) (the "Indictment"), with, *inter alia*, health care fraud, in violation of Title 18, United States Code, Sections 1347 and 2 (Count Four);

WHEREAS, the Indictment included, *inter alia*, a forfeiture allegation as to Count Four of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), of any and all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense charged in Count Four of the Indictment, including but not limited to a sum of money in United States currency, representing the amount of proceeds traceable to the commission of the offense charged in Count Four of the Indictment;

WHEREAS, on or about March 15, 2022, the Defendant pled guilty to Count Four of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Four of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), a sum of money equal to \$31,950.00 in United States currency, representing proceeds traceable to the commission of the offense charged in Count Four of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$31,950.00 in United States currency representing the amount of proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys, Kedar S. Bhatia and Brandon D. Harper of counsel, and the Defendant, and his counsel, Anthony Cecutti, Esq., that:

1. As a result of the offense charged in Count Four of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$31,950.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, NELSON DIAZ, a/k/a "Abdul Alamin," and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One

St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:



Kedar S. Bhatia
Brandon D. Harper
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2465/2209

3/15/2022

DATE

NELSON DIAZ, a/k/a "Abdul Alamin"


By:

Abdul Alamin (by counsel)
Abdul Alamin

3/15/22

DATE


By:


ANTHONY CECUTTI, ESQ.
Attorney for Defendant
Law Office of Anthony Cecutti
217 Broadway, Suite 707
New York, New York 10007

3/15/22

DATE

SO ORDERED:



HONORABLE KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE

7/18/22

DATE